

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GREGORY ARTHUR WEILER, II,**

**Plaintiff,**

**V.**

**UNITED STATES OF AMERICA,**

**Defendant.**

**Civil Action No.  
23-10151-FDS**

**ORDER DISMISSING CASE**

**SAYLOR, C. J.**

Plaintiff Gregory Weiler filed a document, which the court will construe as a complaint, entitled “Constitution Amendment Proposed.” (ECF No. 1). He is a prisoner proceeding *pro se*. He seeks to proceed *in forma pauperis*, although he has failed to include his prison account statement or otherwise demonstrate that he is indigent.

The complaint apparently seeks to have this court amend the United States Constitution. That is a power reserved under Article V of the Constitution to Congress and the states. “The process itself is political in its entirety, from submission until an amendment becomes part of the Constitution, and is not subject to judicial guidance, control or interference at any point.” *Coleman v. Miller*, 307 U.S. 433, 459 (1939) (Black, J., concurring ); U.S. Const. amend. V.

The court will construe the claim asserted by plaintiff as one arising under the Constitution or laws of the United States, and therefore the Court has subject-matter jurisdiction.

28 U.S.C. § 1331.

The court may screen a complaint filed by a prisoner who seeking redress from a

governmental entity and enter an order of dismissal if it fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915A(b)(1).

Because this court has no power to amend the Constitution or to initiate the amendment process, the action is DISMISSED for failure to state a claim upon which relief can be granted. The clerk is directed to enter a separate order of dismissal with prejudice. All pending motions are DENIED as moot.

**So Ordered.**

Dated: January 27, 2023

/s/ F. Dennis Saylor IV  
F. Dennis Saylor IV  
Chief Judge, United States District Court